REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed October 15, 2007 (the "Office Action"). At the time of the Office Action, Claims 1, 3-20, 22-39, and 41-57 were pending in the Application. In order to advance prosecution of this case, Applicants have amended Claims 10, 14, 33, 39, 41, 43, and 46-57 as suggested by the Office Action. Applicants respectfully submit that no new matter has been added. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 and 103 Rejections

The Office Action rejects Claims 1, 3-4, 15, 20, 22-23, 34, 39, 41-42, and 53 under U.S.C. § 102(b) as being anticipated by U.S. Patent 5,387,905 issued to Grube, et al. ("*Grube*"). The Office Action rejects Claims 5-6, 18-19, 24-25, 37-38, 43-44, and 56-57 under U.S.C. § 103(a) as being unpatentable over *Grube* in view of U.S. Patent Publication 2001/0014095 issued to Kawahata, et al. ("*Kawahata*"). The Office Action rejects Claims 7, 26, and 45 under U.S.C. § 103(a) as being unpatentable over *Grube* in view of U.S. Patent 5,729,542 issued to Dupont ("*Dupont*"). The Office Action rejects Claims 8, 12-13, 17, 27, 31-32, 36, 46, 50-51, and 55 under U.S.C. § 103(a) as being unpatentable over *Grube* in view of U.S. Patent No. 6,745,043 to Lester, et al. ("*Lester*"). The Office Action rejects Claims 9-10, 16, 28-29, 35, 47-48, and 54 under U.S.C. § 103(a) as being unpatentable over *Grube* in view of U.S. Patent No. 6,600,914 to Uhlik, et al. ("*Uhlik*"). The Office Action rejects Claims 11, 30, and 49 under U.S.C. § 103(a) as being unpatentable over *Grube* and *Uhlik* and further in view of *Lester*. The Office Action rejects Claims 14, 33, and 52 under U.S.C. § 103(a) as being unpatentable over *Grube* and *Uhlik* further in view of U.S. Patent Publication No. 2004/0109413 A1 to Hierholzer, et al. ("*Hierholzer*"). Applicants respectfully traverse these rejections at least for the reasons discussed below.

To anticipate a claim, each and every limitation must be found in a reference. *See* MPEP § 2131. "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, "[t]he elements must be arranged as required by the claim . . . ." *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990).

Claim 1 recites determining a priority for the connection based on a dialed number. *Grube* does not disclose determining a priority for the connection based on a dialed number. The Office Action contends that "the indicia of priority" disclosed by *Grube* "is the priority certificate and generated as a function of the priority of the call request, e.g., emergency call." *Office Action*, page 3. *Grube* discloses that "[t]he indicia of priority refers to either the priority of the <u>source</u> (console as opposed to a communication unit) or it refers to the priority of the <u>message type</u> (emergency call as opposed to a status update)." *Grube*, column 4, lines 57-61 (emphasis added). *Grube* also discloses that "packets are first processed to include the indicia of priority associated with this <u>source unit and message</u>." *Grube*, column 6, lines 30-32 (emphasis added). *Grube* further discloses that "[t]he indicia may represent a <u>message priority</u> or it may represent a <u>source priority</u>." *Grube*, column 6, lines 62-63 (emphasis added). The disclosure of associating priority with a source or message type does not disclose determining priority based on a <u>dialed number</u>. More specifically, the mere disclosure that a message may be an emergency message, as opposed to a status update, does not disclose determining priority based on a dialed number.

In response to similar arguments previously submitted the Office Action contends that *Grube* discloses that "the call request includes source information, type of call service, and the destination information" and that therefore "the priority of the message also corresponding to the priority of the destination units since they are part of a call request and serve as a compact representation of a service." *Office Action*, page 11. However, the Office Action's conclusion is not supported by *Grube*. Nowhere does *Grube* disclose that the priority of the message corresponds to the priority of the destination units. To interpret *Grube* otherwise is to ignore the fact that *Grube* repeatedly states that priority is based on the message type or the source of the message. *See e.g., Grube*, column 4, lines 57-61; column 6, lines 30-32 and 62-63. It is only because of Applicants' disclosure that the Office Action has attempted to interpret *Grube* as disclosing determining a priority for the connection based on a dialed number. Viewing *Grube* as a whole, one of ordinary skill in the art would have understood *Grube* as using the type of message (e.g., emergency as opposed to status) or the source of the message to determine the priority. One of ordinary skill in the art would have been drawn to this conclusion not only from what *Grube* explicitly discloses (e.g., that the priority is based on the message type or source priority) but also by the very nature of the

system disclosed by *Grube*. More specifically, *Grube* is a push-to-talk system in which communications are transmitted to all the units in a talk group. *See e.g., Grube*, FIG. 1; FIG. 3; column 4, lines 44-45; column 5, lines 40-43 ("destination communication units"); column 7, lines 19-22. Accordingly, all the units in the talk group receive the same message and the source unit is in the same talk group as all the destination units. Thus, there would be little to no benefit of determining priority based on the destination unit, as suggested by the Office Action. More specifically, a communication is transmitted to all the units of a talk group. Therefore, every communication transmitted within that talk group would be of the same priority corresponding to the destination unit of the highest priority. Because every communication would then be at the same priority no practical distinction in priority of the communications would be achieved. For at least these reasons *Grube* does not disclose determining a priority for the connection based on a dialed number.

In addition, Claim 1 recites receiving a request to establish a connection to a dialed number. The Office Action contends that this is disclosed by *Grube* at column 5, lines 36-37 and FIG. 4. *Office Action*, page 2. *Grube* discloses that "[t]he process begins when the system receives a call request from a source communication unit . . . . The call request . . . includes the identity of the source communication unit, the type of call service desired, the identity of the destination communication units, and a message." *Grube*, column 5, lines 36-40. *Grube* further discloses that the call request is received in a push-to-talk system in which communications are sent in a point-to-multipoint fashion. *See e.g., Grube*, FIG. 1; FIG. 3; column 4, lines 44-45; column 7, lines 19-22. Nowhere does *Grube* disclose establishing a connection to a dialed number. Therefore, *Grube* does not disclose receiving a request to establish a connection to a dialed number.

In response to similar arguments previously submitted the Office Action begins by stating *Grube* discloses that "[t]the call request, includes the identity of the source communication unit, the type of call service desired; the identity of the destination communication units and a message." *Office Action*, page 10. The Office Action then contends that "the destination communication unit is the dialed number" and that "[t]herefore Grube clearly discloses receiving a request to establish a connection to a dialed number as recited in Claim 1." *Office Action*, page 11. However, the Office Action's contention that

"the destination communication unit is the dialed number" is not supported by *Grube*. There is nothing in *Grube* which discloses that the source communication unit has done anything to identify the destination communication units. The disclosure of *Grube* does not indicate that it utilizes anything other than typical push-to-talk functionality with respect to how the initial transmission is generated. *See e.g.*, *Grube*, column 5, lines 40-41 ("[t]he call request, as known in the art"). The call request disclosed by *Grube* contains the message itself and a list of recipients. The message is then propagated to the recipients by "reviewing an internally stored list of target destination communication units and console positions." *Grube*, column 5, lines 53-54. Accordingly, *Grube* does not disclose receiving a request to establish a connection to a dialed number.

For at least these reasons Applicants respectfully request that this rejection of Claim 1, an all claims depending therefrom, be withdrawn. For analogous reasons Applicants also request that this rejection of Claims 20 and 39, and all claims depending therefrom, be withdrawn.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad C. Walters, Attorney for Applicants, at the Examiner's convenience at (214) 953-6511.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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